

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Clerk's Office  
Filed Date: 1/31/2022

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
BROOKLYN OFFICE

HEALTH & WELFARE FUND OF THE UNITED  
FOOD & COMMERCIAL WORKERS LOCAL 2013,  
AFL-CIO BY ITS TRUSTEES LOUIS MARK  
CAROTENUTO and STANLEY FLEISHMAN,

Plaintiff,

-against-

BELLE HARBOR HOME OF THE SAGES, INC.  
d/b/a BELLE HARBOR MANOR,

Defendant.

**NOTICE & ORDER OF  
VOLUNTARY DISMISSAL**

CV-21-6095 (CBA) (TAM)

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiff HEALTH & WELFARE FUND OF THE UNITED FOOD & COMMERCIAL WORKERS LOCAL 2013, AFL-CIO, by its counsel, BRADY McGUIRE & STEINBERG, P.C., hereby gives notice that the above-captioned matter is voluntarily dismissed as against Defendant BELLE HARBOR HOME OF THE SAGES, INC. d/b/a BELLE HARBOR MANOR.

Dated: Tarrytown, New York  
January 31, 2022

Respectfully submitted,

BRADY McGUIRE & STEINBERG, P.C.

By: */s/ James M. Steinberg*

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**SO ORDERED:**

*/s/ Carol Bagley Amon*  
**The Honorable Carol Bagley Amon**  
United States District Judge

*1/31/22*

# BRADY McGUIRE & STEINBERG, P. C .

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January 31, 2022

Via ECF Filing Only

The Honorable Carol Bagley Amon  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Health & Welfare Fund of the United Food & Commercial Workers Local 2013,  
AFL-CIO v. Belle Harbor Home of the Sages, Inc. d/b/a Belle Harbor Manor  
Civil Case No. CV-21-6095 (CBA) (TAM)

Dear Judge Bagley Amon:

Our office represents Plaintiff Health & Welfare Fund of the United Food & Commercial Workers Local 2013, AFL-CIO in connection with the above-captioned matter. As a result of Defendant failing to answer the Complaint, a motion for a default judgment was filed on January 17, 2022 and referred to Magistrate Judge Taryn A. Merkl for a report and recommendation on January 18, 2022. After being served with the motion papers, this office was contacted by a corporate representative from Defendant who coordinated payment of the underlying fringe benefit deficiency along with other agreed upon components of the monetary damages sought by the motion. As a result of this payment, the matter has been amicably resolved. Accordingly, Plaintiff respectfully withdraws its motion for a default judgment and requests that the submitted Notice of Voluntary Dismissal be so ordered. Thank you for your attention to this matter.

Respectfully submitted,

*/s/ James M. Steinberg*

James M. Steinberg, Esq.

Enc.

Cc: Belle Harbor Manor  
Ms. Jacqueline Dowling